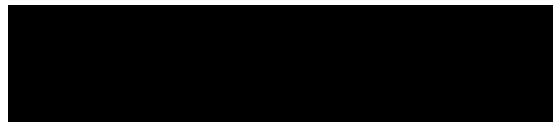


EXHIBIT 3

In the Matter Of:

In Re: Google Antitrust Investigation



October 19, 2021



1

2 A. It did not.

3

Q. Have you ever given -- sorry.

4

Have you ever been deposed in any

5 other circumstance, whether formally or

6 informally?

7

A. Not that I can recall.

8

Q. Have you ever given any testimony

9 at trial?

10

A. In the Anthony Levandowski matter.

11

Again, not an expert, although I was a lawyer

12 a long time ago, this was a mediation or an

13 arbitration. However, there were three

14 judges that determined the final hearing, and

15 the hearing was binding, as a court judgment.

16

And I appeared in that court hearing.

17

Q. Again, that had nothing to do with

18 ad tech, did it?

19

A. It had nothing to do with ad tech.

20

Q. Have you ever given any other

21 testimony at trial?

22

A. Not at trial. The only other

23 testimony is the Senate Judiciary Committee

24 hearing.

25

Q. Have you ever given any other

1
2 [REDACTED]
3 testimony in connection with any
4 investigation or other regulatory proceeding,
5 apart from the testimony you've already
6 described today?

7 A. So from 1997 through 2011, I was a
8 lawyer. Initially with a law firm in Canada,
9 then a law firm in the United States, Wilson
10 Sonsini, and then operating as Google's
11 corporate counsel. As a lawyer, I both
12 negotiated and documented the acquisitions of
13 a number of ad tech companies, DoubleClick
14 being probably the largest. In connection
15 with those, there were regulatory
16 proceedings, including antitrust proceedings
17 and investigations. And I, as a lawyer,
18 participated in those investigations.

19 Q. Did you give any testimony
20 yourself in connection with the DoubleClick
acquisition?

21 A. I was asked questions many, many
22 times by regulators during that process. I
23 don't -- I'm sorry. What do you mean by
24 testimony?

25 Q. Well, I'm asking if you were -- if

1
2 you gave -- let's start with, did you give
3 any -- did you answer questions under oath in
4 connection with the DoubleClick acquisition?

5 A. I don't believe so. These were
6 long proceedings in front of a regulatory
7 agency. I generally would have viewed myself
8 to be compelled to answer truthfully, but I
9 don't remember being sworn in to those
10 proceedings.

11 Q. Did you give -- were you acting as
12 counsel in connection with those regulatory
13 proceedings, or were you a fact witness or
14 both?

15 A. These were a long time ago. So
16 2007, especially if we're talking about
17 DoubleClick, I believe I was participating as
18 a lawyer in the context of those proceedings.
19 Again, as a former lawyer, I'm aware of the
20 kind of distinction between, you know,
21 testimony, but I -- it is possible that I
22 gave factual testimony as well in connection
23 with those processes or answered questions
24 factually in connection with those processes.

25 Q. Have you ever given testimony

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1

2 Q. And how long did you stay at
3 Wilson Sonsini?

4 A. From -- if I'm getting the days
5 right, say March 2000 through February 28,
6 2005.

7 Q. Sounds like you remembered that
8 date a little better.

9 A. I do remember that date because
10 it's the end of the month. And it's the
11 first day I started at Google.

12 Q. Well, why did you leave Wilson
13 Sonsini?

14 A. I was offered a position as
15 Google's first corporate counsel.

16 Q. So starting February 28, 2005,
17 what was your role at Google?

18 A. I was corporate counsel,
19 principally responsible for capital raising,
20 public disclosure, securities filings, as
21 well as mergers and acquisitions.

22 Q. I take it that was in Google's
23 legal department?

24 A. That was in Google's legal
25 department.

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2 Q. How long did you have that role at
3 Google?

4 A. So the role, sort of, evolved over
5 time as the legal department grew. So it's
6 hard for me to say precisely. I was always
7 that role, but the role grew. Meaning over
8 time I took on managing our technology
9 transactions group, our competition law
10 group, some of the product groups, and an
11 investment team as well. All lawyers,
12 though.

13 Q. Is there a time at which you
14 stopped working in Google's legal department?

15 A. There is. In late 2011, early
16 2012, I took on a business role managing our
17 corporate development team.

18 Q. Do you remember what your title
19 was starting in late 2011, early 2012?

20 A. At the legal department or in the
21 business role?

22 Q. In the business role.

23 A. I believe it was just [REDACTED]
24 [REDACTED].
25 Q. In your role as [REDACTED],

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1

[REDACTED]

2

[REDACTED], who did you report to?

3

A. [REDACTED].

4

Q. Do you remember what his title
was?

6

A. [REDACTED] was our general
counsel. I think at this point in time, he
becomes our Chief Legal Officer, but I
don't -- I can't say that for sure. So
either general counsel or Chief Legal
Officer. And he also, from time to time, had
corporate development in his title as well.

13

Q. As [REDACTED]
[REDACTED] starting late 2011, early 2012,
were you practicing law? Was that a legal
role?

17

A. No, that is a business role.

18

Q. Have you practiced law in any way
since you took on the role of [REDACTED]
[REDACTED] in late 2011 or early
2012?

22

A. Given my long legal history, I get
asked legal questions on a fairly regular
basis and that hasn't stopped. But generally
speaking, it was a business role. I was not

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1

2017?

3 A. I have been asked legal questions
4 a number of times. I think our legal
5 department takes the position that that
6 doesn't constitute the practice of law. Nor,
7 I think, have we taken a position that
8 that's -- internally or externally that
9 constitutes the practice of law. I do get
10 asked legal questions from time to time.

11 Q. Do you provide legal advice in
12 response to being asked legal questions?

13 A. I provide advice in response to
14 being asked legal questions. I don't think
15 our legal department takes the position that
16 that constitutes legal advice.

17 Q. Do you take the position that you
18 have not practiced law since you became the

19 [REDACTED]
20 [REDACTED] in 2017?

21 A. On the advice of our very, very
22 good internal legal team, I do not take that
23 position.

24 Q. And to clarify, you're saying you
25 do not take the position that you practiced

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1

2 law since 2017?

3 A. Yeah. I take the position that I
4 haven't practiced law since 2011.5 MR. NIERLICH: Okay. I have
6 nothing further.

7 MR. RYBNICEK: Thanks, Chuck.

8 Can I note for the record that Google
9 will designate this transcript in its
10 entirety as highly confidential.

11 MR. NIERLICH: Understood.

12 THE VIDEOGRAPHER: Okay. This
13 concludes today's video deposition of
14 [REDACTED]. We're going off the
15 record. The time is 6:26 p.m.16 (Whereupon, at 6:26 p.m., the
17 Examination of this Witness was
18 concluded.)

19

20

21

22 Subscribed and sworn to before me
23 this ____ day of _____, 2021.

24

25

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